

**REMARKS**

Claims 1-15 and 21-35 are currently pending. Applicants have cancelled non-elected claims 16-20 and 36-40 without prejudice or disclaimer to pursuing the subject matter thereof in a divisional application.

Applicants note with appreciation that the indication that claims 4-8, 10-14, 24-28 and 30-34 contain allowable subject matter. At this time, Applicants decline to place claims 4, 1, 24 and 30 into independent form given their position on the allowability of independent claims 1 and 21, in particular.

The Office Action includes a rejection of claims 1, 9, 15, 21, 29 and 35 under 35 U.S.C. §102(e) as allegedly being anticipated by *Center* (U.S. 2003/0059124); and a rejection of claims 2 and 3 under 35 U.S.C. §103 as allegedly being unpatentable over *Center*. These rejections are respectfully traversed.

The *Center* patent is directed to a real time facial recognition and verification system that includes both motion detection and facial recognition. However, these are not carried out in the same order, same way or for the same purposes as the present invention as recited in the independent claims. Specifically, as far as the undersigned can understand *Center's* system, every frame is grabbed and undergoes a face detection mode. Within the face detection mode, a motion detection stage is employed to help identify a region of interest (ROI). See, e.g., paragraphs [0012], [0041], [0043], [0044] ("the present invention [of Center] realizes that the motion information can be employed to roughly estimate the region of interest within the image that corresponds to the person's head") [0058], [0059] and most particularly [0105] as well as [0108]. In reading these paragraphs, it is evident

that the *Center* system utilizes motion detection to determine a region of interest within an image, but each image apparently undergoes facial recognition.

As such, it lacks three features found in claim 1. First, it does not teach or suggest *inter alia* a face detection mode wherein "when a face is not detected even after a predetermined number of face detection trials, selecting a motion detection mode and going back to step b" for determining a current mode. The *Center* system also does not have a "motion detection mode" within the context of the present claims, and in contrast to a face detection mode that performs" motion detection on a predetermined number of images at a time and when at least a predetermined number of motion detections are performed successively within the predetermined time, going back to step a" for initializing the parameters used in the user detection. Instead, *Center* utilizes motion detection to resolve a region of interest, but as far as the undersigned can tell each image undergoes a face detection mode that includes motion detection to determine a region of interest.

These distinctions are found in both independent method claim 1 and apparatus claim 21.

It is noted in passing that the undersigned could not find the correlation between *Center* and the subject matter of claims 15 and 35. Also, it is respectfully submitted that with respect to claims 2 and 3, it does not seem apparent that *Center* would use a Gabor wavelet transformation insofar as it has a very different mechanism for determining a region of interest and there is no apparent reason why one would abandon the central theme of *Center* in order to adopt a Gabor waveform transformation mechanism.

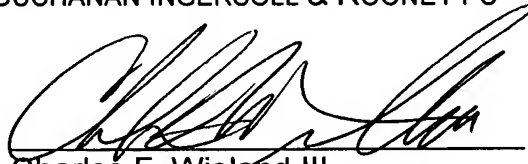
In any event, it is respectfully submitted that the distinctions found in the independent claims are sufficiently clear to warrant withdrawal of the rejection. Should the Examiner raise any additional issues, he is invited to contact the undersigned at the number listed below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: October 30, 2007

By:



Charles F. Wieland III  
Registration No. 33096

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620